

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/24/2002

CLERK OF THE COURT
FORM V000A

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

CV 2002-016933

FILED: _____

GOULD STAFFING INC

DON FRANCONI

v.

TRITON REALTY PARTNERS I

CLINT W SMITH

REMAND DESK CV-CCC
SCOTTSDALE JUSTICE COURT

MINUTE ENTRY

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This Court has taken this matter under advisement, has reviewed the memoranda of counsel and considered the record from the Scottsdale Justice Court.

This case represents an appeal from a default judgment following an alleged breach of contract. The original complaint filed April 10, 2002 sought compensation for temporary labor services supplied by Gould Staffing, Inc. (Plaintiff/Appellee) to Triton Realty Partners I, LLC (Defendant/Appellant).

Review of the memoranda of counsel, the judgment, and the exhibits of record reveals that the only issue to be decided in this case is whether Plaintiff/Appellee stated a legal cause of action. This court holds that the Plaintiff/Appellee did state a

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legal cause of action and therefore affirms the judgment of the Scottsdale Justice Court.

In Arizona, "[a] civil action is commenced by filing a complaint with the court" ¹ and duly serving it on the opposing party. ² The complaint need only set "forth a claim for relief . . . contain[ing]: . . . [a] short and plain statement of the claim showing that the pleader is entitled to relief . . . [and a] demand for judgment for the relief the pleader seeks" ³ "Demurrers, pleas, and exceptions for insufficiency of a pleading shall not be used." ⁴ Additionally, since Arizona is a notice pleading state, extensive factual recitations are not required. ⁵ Within the time allowed, the respondent "shall . . . [provide] an answer" to the complaint. ⁶

By its April 10, 2002 complaint, Plaintiff/Appellee claimed it was due compensation for temporary staffing and demanded judgment in the amount of \$3,528.30 plus reasonable attorney's fees. An April 11, 2002 summons, issued by the Scottsdale Justice Court, according to the record, was duly served on Defendant/Appellant April 15, 2002. Because the complaint fulfills the requirements specified by the rules, and service was duly executed on an entity doing business within the state, this court finds that Plaintiff/Appellee met the procedural aspects of the Arizona Rules of Civil Procedure governing the complaint and associated service.

When Defendant/Appellant failed to timely file an answer, in accordance with Rule 55(a), Arizona Rules of Civil Procedure, Plaintiff/Appellee applied for entry of default judgment against Defendant/Appellant on May 9, 2002. ⁷ After the Scottsdale

¹ 16 A.R.S. Rules of Civil Procedure 3.

² 16 A.R.S. Rules of Civil Procedure 4.

³ 16 A.R.S. Rules of Civil Procedure 8(a).

⁴ 16 A.R.S. Rules of Civil Procedure 7(b).

⁵ Rosenberg v. Rosenberg, 123 Ariz. 589, 592-93, 601 P.2d 589, 592-93 (1979).

⁶ 16 A.R.S. Rules of Civil Procedure 7(a).

⁷ Plaintiff/Appellee's Application for Entry of Default, p. 1 (citing 16 A.R.S. Rules of Civil Procedure 55(a)).

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Justice Court denied Defendant/Appellant's subsequent motion to dismiss and/or grant summary judgment June 18, 2002, Plaintiff/Appellee filed a motion to enforce judgment July 9, 2002. "[After] the court denies [such a] motion . . . , the responsive pleading shall be served within ten days after notice of the court's action"⁸ That requirement was not met by Appellee.

The default judgment granted by the Scottsdale Justice Court to Plaintiff/Appellee July 18, 2002 was entirely proper.

Finding no error,

IT IS THEREFORE ORDERED affirming the judgment of the Scottsdale Justice Court.

IT IS FURTHER ORDERED remanding this case to the Scottsdale Justice Court for all future proceedings related to this case.

⁸ 16 A.R.S. Rules of Civil Procedure 12(a)(3)(A).
Docket Code 019